

**MILWAUKEE COUNTY
CIVIL SERVICE COMMISSION MEETING**
Thursday, April 21, 2016 2:00 p.m.
Courthouse Room 306

Minutes

ROLL CALL:

Present: Mary Ellen Powers, Maria Monteagudo, Janet Cleary.

1. The Secretary to the Civil Service Commission requests the approval of the Civil Service Commission minutes from February 18, 2016.

Recommendation of the Department of Human Resources: Approve.

ACTION: Janet Cleary made a motion to approve the minutes as provided; it was seconded by Maria Monteagudo.

Ayes – 3: Mary Ellen Powers, Maria Monteagudo, and Janet Cleary.

Noes – 0

2. The Secretary to the Civil Service Commission forwards the approved minutes of the Milwaukee County Personnel Review Board of February 16, March 1, March 15, and March 29, 2016.

Recommendation of the Department of Human Resources: Receive & Place on File.

ACTION: So ordered.

3. Request from the Director of the Department of Parks, Recreation and Culture, to transfer the position of Parks Marketing and Communications Manager from the classified to the unclassified service.

Appearances: Laura Schloesser, Chief of Administration & External Affairs, Department of Parks, Recreation and Culture

ACTION: Maria Monteagudo made a motion to approve the transfer; it was seconded by Janet Cleary.

Ayes – 3: Mary Ellen Powers, Maria Monteagudo, and Janet Cleary.

Noes – 0

4. Request from the Director of the Department of Transportation, to transfer the position of Engineering Project Manager from the unclassified to the classified service.

Appearances: James Martin, Director of Administration, Department of Transportation

ACTION: Janet Cleary made a motion to approve the transfer; it was seconded by Maria Monteagudo.

Ayes – 3: Mary Ellen Powers, Maria Monteagudo, and Janet Cleary.

Noes – 0:

5. From Counsel to the Civil Service Commission, requesting revisions to the Civil Service Hearing Procedures.

Appearances: Omar Mallick, Legal Counsel to the Civil Service Commission

ACTION: Janet Cleary made a motion to layover agenda Item 5 to the next Civil Service Commission meeting on June 16, 2016; it was seconded by Mary Ellen Powers.

Ayes – 3: Mary Ellen Powers, Maria Monteagudo, and Janet Cleary.

Noes – 0

Meeting Adjournment

ACTION: Janet Cleary made a motion to adjourn the meeting; it was seconded by Mary Ellen Powers.

Ayes – 3: Mary Ellen Powers, Maria Monteagudo, and Janet Cleary.

Noes – 0

Meeting adjourned at 3:25 p.m.

Approved by:

Rick Ceschin
Secretary to the Civil Service Commission

RC: rmj: sh
C: Personnel Review Board

*Milwaukee County Personnel Review Board
Meeting Minutes – April 12, 2016*

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, April 12, 2016, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Greg Renz, Mr. Rufino Gaytán III, Ms. Mary K. Bruno, Ms. Susan Lueger, and Mr. Daniel Dennehy.

II. Approval of the Minutes of the March 29, 2016 Meeting

Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), approved the minutes of the March 29, 2016 meeting.

III. Communications and/or comments from the public, if any

None.

IV. Correspondence

None.

V. First Appearances

A. DISCHARGES

**DEBBIE STRICKLAND, AIRPORT MAINTENANCE WORKER
ASSISTANT, DOT**

Case #2-4305 dated 03/29/2016

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Debbie Strickland had resigned from her position in County Service. The Board acknowledged the resignation of Debbie Strickland and closed this case.

B. SUSPENSION & DISCHARGES

RALPH ROBY, CORRECTION OFFICER 1, OFFICE OF THE SHERIFF

Case #1-4310 dated 03/29/2016 for IA #16-011

Case #1-4311 dated 03/29/2016 for IA #16-015

Case #1-4312 dated 03/29/2016 for IA #16-047

Case #1-4313 dated 03/29/2016 for IA #16-048

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Ralph Roby had resigned from his position in County Service. The Board acknowledged the resignation of Ralph Roby and closed this case.

DARRYL BARNOWSKI, CORRECTION OFFICER I, OFFICE OF THE SHERIFF

Case #1-4302 dated 03/18/2016 for IA #16-012

Case #2-4303 dated 03/18/2016 for IA #16-030

Case #2-4304 dated 03/18/2016 for IA #16-045

(See Item VI.A. below)

C. SUSPENSIONS

JOHN WEBER, CORRECTION OFFICER 1, OFFICE OF THE SHERIFF

Case #1-4306 dated 03/29/2016 for IA #16-010

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that John Weber had submitted a signed waiver of hearing on the Notice of Suspension. Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), accepted the waiver and closed this case.

GWENDOLYN BOLLING, CLERICAL ASSISTANT II, OFFICE OF THE SHERIFF

Case #1-4307 dated 03/29/2016 for IA #16-031

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Gwendolyn Bolling waived her right to a hearing within 21 days and requested a hearing certain. Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing certain on May 10, 2016.

PEDRO RUIZ, CORRECTION OFFICER 1, OFFICE OF THE SHERIFF

Case #1-4308 dated 03/29/2016 for IA #16-009

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Pedro Ruiz had submitted a signed waiver of hearing on the Notice of Suspension. Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), accepted the waiver and closed this case.

VANIA RIDLEY, CORRECTION OFFICER 1, OFFICE OF THE SHERIFF

Case #1-4309 dated 03/29/2016 for IA #16-034

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Vania Ridley waived her right to a hearing within 21 days and requested a hearing certain. Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing certain on May 10, 2016.

CHAD HALDEMANN, DEPUTY SHERIFF I, OFFICE OF THE SHERIFF

Case #1-4314 dated 03/29/2016 for IA #16-004

Case #1-4315 dated 03/29/2016 for IA #16-017

The Board heard the report of Mr. Roy Felber, on behalf of the Milwaukee Deputy Sheriff's Association, that Chad Haldemann had submitted a signed waiver of hearing on the Notices of Suspension. Ms. Lueger moved, Mr. Gaytán seconded, and the Board, by unanimous vote (5-0), accepted the waiver and closed this case.

VI. Hearings

A. **SUSPENSION & DISCHARGES**

DARRYL BARNOWSKI, CORRECTION OFFICER I, OFFICE OF THE SHERIFF

Case #1-4302 dated 03/18/2016 for IA #16-012

Case #2-4303 dated 03/18/2016 for IA #16-030

Case #2-4304 dated 03/18/2016 for IA #16-045

At 4:27 p.m., Ms. Bruno moved, Ms. Lueger seconded, and the Board voted 5-0 to go into closed session to deliberate on the Darryl Barnowski matters, Case #2-4255 in the Walid Taleb matter, and personnel matters. At 5:55 p.m., the Board reconvened in open session.

Ms. Bruno moved, Mr. Renz seconded, and the Board, by unanimous vote (5-0), found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l), (o), and (cc), and upheld the Charges for Suspension and Discharges.

B. **DISCHARGES**

WALID TALEB, CORRECTION OFFICER I, HOUSE OF CORRECTION

Case #2-4254 dated 08/05/2015 for HOC IA #15-074

Case #2-4255 dated 08/05/2015 for HOC IA #15-082

Due to time constraints, the Board needed to continue the hearing for Case #2-4254 in the Walid Taleb matter. The Board scheduled the continuation of Mr. Taleb's hearing for May 18, 2016.

At 4:27 p.m., Ms. Bruno moved, Ms. Lueger seconded, and the Board voted 5-0 to go into closed session to deliberate on the Darryl Barnowski matters, Case #2-4255 in the Walid Taleb matter, and personnel matters. At 5:55 p.m., the Board reconvened in open session

Ms. Bruno moved, Mr. Renz seconded, and the Board, by varying votes of (5-0) and (3-2), found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (k), (l), (t), and (u). The Board did not find a violation of Milwaukee County House of Correction Rule 202.23.

Ms. Bruno moved, Mr. Renz seconded, and the Board, by vote of (4-1), reduced the discharge to a time-served suspension.

VII. Personnel Matters

At 4:27 p.m., Ms. Bruno moved, Ms. Lueger seconded, and the Board voted 5-0 to go into closed session to deliberate on the Darryl Barnowski matters, Case #2-4255 in the Walid Taleb matter, and personnel matters. At 5:55 p.m., the Board reconvened in open session.

VIII. Adjournment

Mr. Gaytán moved, Ms. Bruno seconded, and the Board, by unanimous vote (5-0), adjourned the meeting at 5:55 p.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator

Milwaukee County Personnel Review Board
Meeting Minutes – April 26, 2016

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, April 26, 2016, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Greg Renz, Mr. Rufino Gaytán III, Ms. Mary K. Bruno, and Mr. Daniel Dennehy.

II. Approval of the Minutes of the April 12, 2016 Meeting

The Minutes of the April 12, 2016 were reviewed and the Board requested a correction to Section VI. B in the Walid Taleb matter. Mr. Gaytán moved, Mr. Renz seconded and the Board, by unanimous vote (4-0), approved the minutes of the April 12, 2016 meeting as corrected.

III. Communications and/or comments from the public, if any

Attorney Craig Johnson for District Council 32, AFSCME, on behalf of employee Alisa Butler, questioned an update letter he received and requested confirmation that Ms. Butler's May 10, 2016 hearing will be her first appearance. The Board confirmed the May 10, 2016 hearing will be Ms. Butler's first appearance and that the update letter was notice of room assignment.

IV. Correspondence

None.

V. First Appearances

A. DISCHARGES

**TERI-ANNE EULBERG, DISPATCHER, OFFICE OF EMERGENCY
MANAGEMENT**

Case #2-4316 dated 04/19/2016

The Board heard the report of Attorney Molly Zillig, Assistant Corporation Counsel, that Teri-Anne Eulberg waived her right to a hearing within 21 days and requested a hearing certain. Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing certain on May 10, 2016.

VI. Updates

A. DISCHARGES

SUSAN BORN, HUMAN SERVICE WORKER, DHHS

Case #2-4206 dated 09/21/2015

The Board heard the report of Attorney Molly Zillig, Assistant Corporation Counsel, that the matter of Susan Born's disability benefits is anticipated to be resolved by May 9, 2016. Attorney Zillig requested this matter be continued for an update report. Attorney Craig Johnson, who was present on behalf of Ms. Born, concurred. Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), continued the matter for an update report on May 24, 2016.

Hearings

A. REMAND

JAMES TIETJEN, EXECUTIVE DIRECTOR 2 – ASSOCIATE DIRECTOR OF SOCIAL SERVICES, DHHS

At 12:30 p.m., Mr. Gaytán moved, Ms. Bruno seconded, and the Board voted 4-0 to go into closed session to deliberate on the James Tietjen matter. At 1:28 p.m., the Board reconvened in open session.

Mr. Dennehy moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), found that Mr. Tietjen was not in the classified service at the time of his termination, and, therefore, the Board does not have jurisdiction to review the discharge of Mr. Tietjen.

B. SUSPENSIONS

BRIAN FOX, DEPUTY SHERIFF 1, OFFICE OF THE SHERIFF

Case #1-4296 dated 01/26/2016 for IA #15-274

The Board heard the report of Mr. Roy Felber, on behalf of the Milwaukee County Deputy Sheriff's Association, that Brian Fox waived his hearing on Notice of Suspension and will serve his 20-day suspension in two separate 10-day increments. Mr. Felber provided the Board with a copy of the signed waiver. The Board accepted the waiver and closed this case.

AMIKA AVERY, CORRECTION OFFICER 1, OFFICE OF THE SHERIFF

Case #1-4291 dated 01/26/2016 for IA #15-227

Case #1-4292 dated 01/26/2016 for IA #15-225

The Board called the matter of Amika Avery for hearing. Due to time constraints, the Board was unable to hear the matter. Ms. Bruno moved, Mr. Renz seconded, and the Board, by unanimous vote (4-0), continued the matter for hearing certain on May 24, 2016.

C. DISCHARGES

MIA REESE, CORRECTION OFFICER I, HOUSE OF CORRECTION Case #1-4301 dated 03/15/2016 for HOC IA #16-017

At 5:12 p.m., Ms. Bruno moved, Mr. Gaytán seconded, and the Board voted 4-0 to go into closed session to deliberate on the Mia Reese matter. At 5:18 p.m., the Board reconvened in open session.

Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), found the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l), and (n), and upheld the Charges for Discharge.

VII. Adjournment

Mr. Renz moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 5:19 p.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator

Milwaukee County Personnel Review Board
Meeting Minutes – May 10, 2016

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, May 10, 2016, in Room 306 of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Greg Renz, Mr. Rufino Gaytán III, Ms. Mary K. Bruno, Ms. Susan Lueger, and Mr. Daniel Dennehy.

II. Approval of the Minutes of the April 26, 2016 Meeting

The Board reviewed the minutes of the April 26, 2016 meeting and requested a correction regarding the James Tietjen matter. Ms. Bruno moved, Mr. Renz seconded, and the Board, by unanimous vote (5-0), approved the minutes of the April 26, 2016 meeting as corrected.

III. Communications and/or comments from the public, if any

None.

IV. Correspondence

The Board received the resignation of Jayson Paoletti, whose hearing certain was previously scheduled for May 24, 2016. The Board acknowledged Mr. Paoletti's resignation and closed the case.

V. First Appearances

A. DISCHARGES

CANDYCE KILGORE, CLERICAL ASSISTANT I, CHILD SUPPORT SERVICES

Case #2-4320 dated 04/29/2016

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Candyce Kilgore, who was not present, waived her right to a hearing within 21 days and requested a hearing certain. Ms. Bruno moved, Mr. Renz seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing certain on June 7, 2016.

LATISIA MCNEAL, CLERICAL ASSISTANT II, OFFICE OF THE SHERIFF
Case #2-4319 dated 04/29/2016 for IA #16-059

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Latisia McNeal, who was not present, waived her right to a hearing within 21 days and requested a hearing certain. Ms. Lueger moved, Mr. Gaytán seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing certain on May 24, 2016.

ALISA BUTLER, JUVENILE CORRECTION OFFICER, DHHS**Case #2-4318 dated 04/21/2016**

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Alisa Butler waived her right to a hearing within 21 days and requested a hearing certain. Attorney Craig Johnson, for District Council 32, AFSCME, concurred on behalf of Ms. Butler, who was not present. Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing certain on June 7, 2016.

DONEISHIA CRAWFORD, CORRECTION OFFICER, HOUSE OF CORRECTION**Case #2-4317 dated 04/19/2016 for IA #15-167-B**

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Doneishia Crawford waived her right to a hearing within 21 days and requested a hearing certain. Attorney Craig Johnson, for District Council 32, AFSCME, concurred on behalf of Ms. Crawford, who was present. Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing certain on July 19, 2016.

VI. Hearings**A. DISCHARGE****TERI-ANNE EULBERG, DISPATCHER, OFFICE OF EMERGENCY MANAGEMENT**

The Board heard the request of Attorney William Sulton on behalf of Teri-Anne Eulberg, who was present, to reschedule the matter of Ms. Eulberg for hearing certain. Attorney Paul Kuglitsch, Deputy Corporation Counsel, on behalf of the Appointing Authority, had no objection. Ms. Bruno moved, Mr. Gaytán seconded, and the Board, by unanimous vote (5-0), rescheduled the matter for hearing certain on June 7, 2016.

B. SUSPENSIONS**GWENDOLYN BOLLING, CLERICAL ASSISTANT II, OFFICE OF THE SHERIFF****Case #1-4307 dated 03/29/2016 for IA #16-031**

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Gwendolyn Bolling, who was not present, waived her right to a hearing and accepted a reduced suspension of 25 days. The Board received a copy of the waiver. Ms. Lueger moved, Mr. Gaytán seconded, and the Board, by unanimous vote (5-0), accepted the waiver and closed this case.

VANIA RIDLEY, CORRECTION OFFICER 1, OFFICE OF THE SHERIFF**Case #1-4209 dated 03/29/2016 for IA #16-034**

The Board heard the report of Attorney Paul Kuglitsch, Deputy Corporation Counsel, that Vania Ridley, who was not present, waived her right to a hearing and accepted her suspension. The Board received a copy of the waiver. Ms. Bruno moved, Mr.

Renz seconded, and the Board, by unanimous vote (5-0), accepted the waiver and closed this case.

VII. Closed Session

At 9:12 a.m., Ms. Bruno moved, Mr. Gaytan seconded, and the Board voted 5-0 to go into closed session to discuss personnel matters and the findings and order for the James Tietjen matter. Ms. Lueger left the meeting after the discussion of personnel matters and was not present for the James Tietjen discussion. At 10:49 a.m., the Board reconvened in open session.

VIII. Adjournment

Mr. Renz moved, Mr. Gaytán seconded, and the Board, by unanimous vote (4-0), adjourned the meeting at 10:50 a.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator

*Milwaukee County Personnel Review Board
Record of Special Hearing – May 18, 2016*

I. Roll Call

Board President Daniel Dennehy called to order the special hearing of the Personnel Review Board at 9:09 a.m. on Wednesday, May 18, 2016, in Room 306 of the Milwaukee County Courthouse.

The following Board Members were present: Ms. Susan Lueger and Mr. Daniel Dennehy.

II. Hearing

A. DISCHARGE

**WALID TALEB, CORRECTION OFFICER I, HOUSE OF CORRECTION
Case #2-4254 dated 08/05/2015 for HOC IA #15-074**

The Board heard the report of Attorney Aaron DeKosky that Walid Taleb resigned from his position with Milwaukee County. Walid Taleb, who was present, concurred. Attorney Paul Kuglitsch, on behalf of the Appointing Authority, had no objection. The Board accepted the resignation and closed this case.

III. Adjournment

Ms. Lueger moved, Mr. Dennehy seconded, and by unanimous vote (2-0), the hearing ended at 12:58 p.m.

Record submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator

*Milwaukee County Personnel Review Board
Meeting Minutes – May 24, 2016*

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:03 a.m. on Tuesday, May 24, 2016, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Greg Renz, Mr. Rufino Gaytán III, Ms. Mary K. Bruno, Ms. Susan Lueger, and Mr. Daniel Dennehy.

II. Approval of the Minutes of the May 10, 2016 Meeting and the Record of the May 18, 2016 Hearing

Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), approved the minutes of the May 10, 2016 meeting and the record of the May 18, 2016 hearing.

III. Communications and/or comments from the public, if any

None.

IV. Correspondence

None.

V. First Appearances

A. DISCHARGES

**MICHAEL MARSHELL, JUVENILE CORRECTIONAL OFFICER,
DELINQUENCY AND COURT SERVICES, DHHS
Case #2-4322 dated 05/11/2016**

The Board heard the request of Attorney Craig Johnson, District Council 32, AFSCME, on behalf of Michael Marshall, who was not present, that Mr. Marshall waived his right to a hearing within 21 days and requested a hearing certain. Ms. Bruno moved, Mr. Renz seconded, and the Board, by unanimous vote (5-0), continued the matter for hearing certain on June 21, 2016.

**ANITRA VERSER, AIRPORT MAINTENANCE WORKER ASSISTANT, DOT
Case #2-4321 dated 05/04/2016
(See Item VII.A. below)**

VI. Updates

A. DISCHARGE

SUSAN BORN, HUMAN SERVICE WORKER, DHHS

Case #2-4261 dated 09/21/2015

The Board heard the report of Attorney Molly Zillig, Assistant Corporation Counsel, that Susan Born, who was not present, is currently awaiting resolution of her application for disability retirement. Attorney Zillig requested this matter be continued for an update report. Attorney Craig Johnson, for District Council 32, AFSCME, on behalf of Ms. Born, concurred. Ms. Lueger moved, Mr. Renz seconded, and the Board, by unanimous vote (5-0), rescheduled the matter for an update report on June 7, 2016.

VII. Hearings

A. DISCHARGES

LATISIA MCNEAL, CLERICAL ASSISTANT II, OFFICE OF THE SHERIFF

Case #2-4319 dated 04/29/2016 for IA #16-059

The Board heard the report of Attorney Molly Zillig, Assistant Corporation Counsel, that Latisia McNeal, who was not present, resigned from her position in County Service. Attorney Craig Johnson, for District Council 32, AFSCME, on behalf of Ms. McNeal, concurred. The Board received a copy of the resignation. The Board recognized the resignation of Latisia McNeal and closed this case.

ANITRA VERSER, AIRPORT MAINTENANCE WORKER ASSISTANT, DOT

Case #2-4321 dated 05/04/2016

At 1:28 p.m., Ms. Lueger moved, Mr. Gaytán seconded, and the Board voted 5-0 to go into closed session to deliberate on the Anitra Verser matter and personnel matters. At 2:15 p.m., the Board reconvened in open session.

Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), found the evidence was not sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraphs (l), (o), and (p) and dismissed the Charges for Discharge.

B. SUSPENSIONS

AMIKA AVERY, CORRECTION OFFICER 1, OFFICE OF THE SHERIFF

Case #1-4291 dated 01/26/2016 for IA #15-227

Case #1-4292 dated 01/26/2016 for IA #15-225

The Board heard the report of Attorney Molly Zillig, Assistant Corporation Counsel, that Amika Avery, who was not present, waived her right to a hearing and accepted her suspensions. The Board received a copy of the waiver. Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), accepted the waiver and closed this case.

VIII. Personnel Matters

At 1:28 p.m., Ms. Lueger moved, Mr. Gaytán seconded, and the Board voted 5-0 to go into closed session to deliberate on the Anitra Verser matter and personnel matters. At 2:15 p.m., the Board reconvened in open session.

IX. Adjournment

Mr. Gaytán moved, Mr. Renz seconded, and the Board, by unanimous vote (5-0), adjourned the meeting at 2:16 p.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator



OFFICE OF THE COUNTY EXECUTIVE
Milwaukee County
 CHRIS ABELE • COUNTY EXECUTIVE

TO: Kerry Mitchell, Director, Department of Human Resources
 Rick Ceschin, Secretary, Civil Service Commission

FROM: Office of the County Executive *YH*

RE: Request to Unclassify, Office on African American Affairs Director

DATE: June 10, 2016

Please consider this memo to serve as a formal request to present the above listed position to the Civil Service Commission to establish the Office on African American Affairs (OAAA) Director as unclassified.

The Office on African American Affairs was created with the mission of “recognizing and resolving the County’s racial inequities for the benefit of all of its citizenry, and for the region to achieve its full potential”¹ The County Board and County Executive recently agreed to administratively create the Office of African American Affairs as a new County Department. A resolution creating OAAA as a Department and transferring funding to that Department will be taken up by the Board Finance Committee this month.²

The OAAA Director will serve as the department head, overseeing the operations of this new Department and reporting directly to the County Executive. As department head, the OAAA Director will focus on fostering awareness and support for the issues facing the African American community in the county, identifying through analysis or other means, areas of specific need, conducting grant research and applications, overseeing program development and implementation, and overseeing all aspects of communication and community outreach.

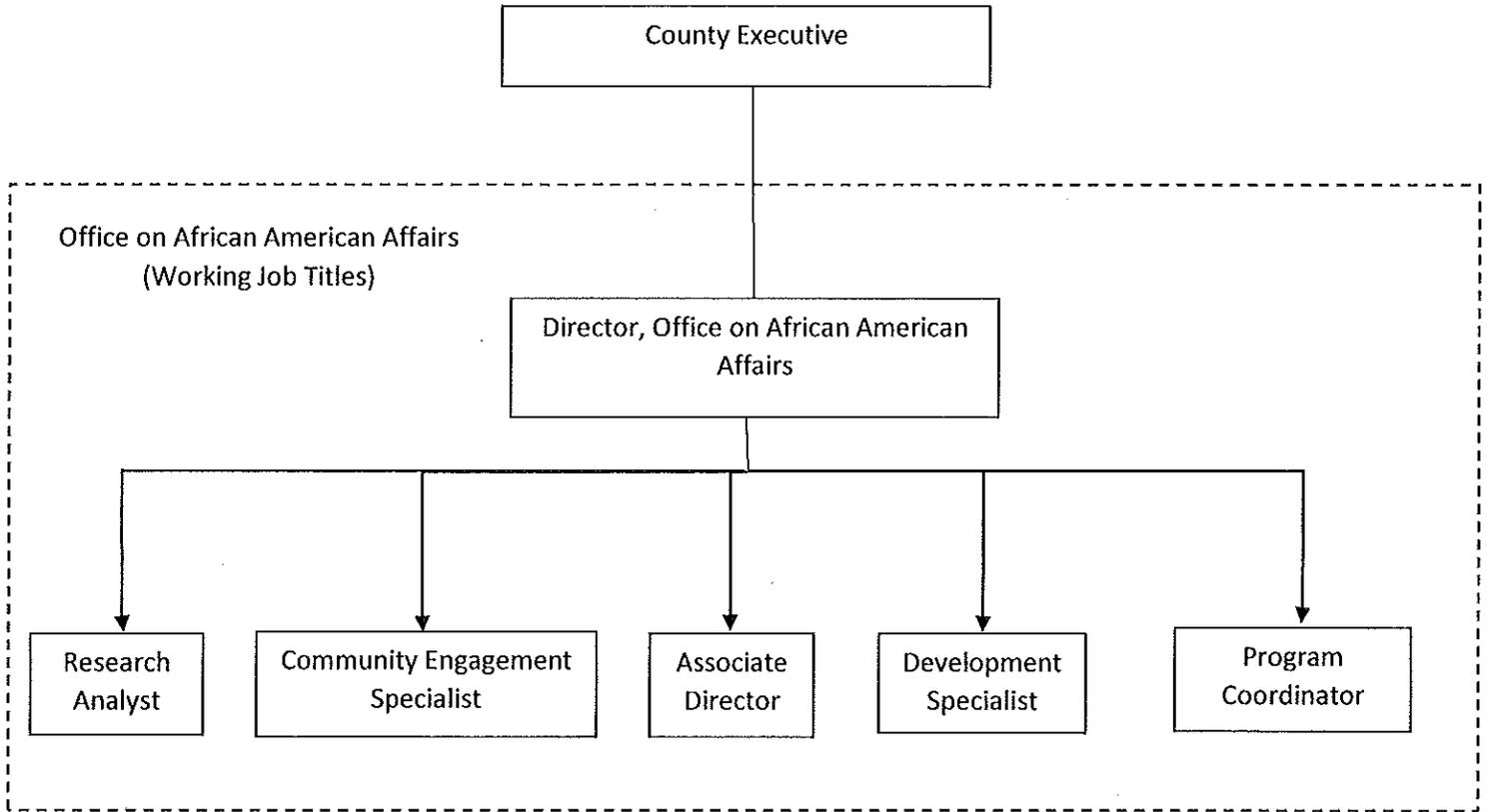
Pursuant to guidelines reviewed and approved by the Civil Service Commission at their February 18, 2016 meeting, the position is significantly involved in providing policy advice to public officials and requires confidentiality related to the need to represent and act as a spokesperson for the County Executive. Additionally, as a designated Department Head, the position meets the requirements for transfer to the Unclassified service under 63.03 (3)(a).

¹ File No. 15-636 “Urging the Milwaukee County Executive to develop an Office on African American Affairs.”

² File No. 16-342, “From the County Executive, creating the Office on African American Affairs as a new Department and authorizing the transfer of funds from the Appropriation for Contingencies to the Department

The position Job Evaluation Questionnaire is attached, along with the Departmental organizational chart depicting the level of the position and where it fits in the organizational structure. Thank you for your consideration in this matter.

Office on African American Affairs Reporting Structure





MILWAUKEE COUNTY JOB EVALUATION QUESTIONNAIRE

This form is designed to assist you in describing your departmental job. You are asked to fill this form out to outline the essential duties and responsibilities; and identify the knowledge, skills and abilities required to successfully perform the job. This form is used to request new job classifications, review current classifications, reclassification, reallocations, and general updates to the job description. **Note:** It is the job that is being evaluated, not the position/incumbent. Thank you for your cooperation.

GENERAL INSTRUCTIONS:

1. Before beginning, please look over the entire questionnaire. Each question should be answered completely and accurately. If a question does not apply to this job, please indicate "N/A" (Not Applicable).
2. To complete the questionnaire, please type and/or select your responses.
3. If you wish to make additional comments, please use the space available in the "Additional Comments" section on page 6 of this questionnaire.

A. JOB IDENTIFICATION INFORMATION:

Department (High Org):	OAAA	Division (Low Org):	
Contact for this Study	Name: Nate Holton	Email:	
	Title:	Phone:	
Current Job Title:	Director of Office of African American	Current Job Code:	
Job Reports To:	Title:		
Request Type:	<input checked="" type="checkbox"/> Establish New <input type="checkbox"/> Review <input type="checkbox"/> Reclassification <input type="checkbox"/> Reallocation <input type="checkbox"/> Update Description <input type="checkbox"/> Other, Specify		

B. JUSTIFICATION STATEMENT:

1. Attach an organizational chart.
2. Explain the events or changes that made this request necessary.
The establishment of this new department as part of the budget process.

C. ABOUT THE JOB:

Job Status:	<input checked="" type="checkbox"/> Regular Full-Time	<input type="checkbox"/> Regular Part-Time	<input type="checkbox"/> Seasonal	<input type="checkbox"/> Contract
Shift:	<input checked="" type="checkbox"/> Day	<input type="checkbox"/> Evening	<input type="checkbox"/> Night	<input type="checkbox"/> Other:
Hours Per Week:	<input checked="" type="checkbox"/> >40 Hours	<input type="checkbox"/> 32-40 Hours	<input type="checkbox"/> 20-32 Hours	<input type="checkbox"/> <20 Hours
Travel:	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, % Travel			
Will This Job Supervise/Manage?	<input type="checkbox"/> Supervise		<input checked="" type="checkbox"/> Manage # of Direct Reports: 3	<input type="checkbox"/> N/A

D. JOB SUMMARY:

Briefly state, in several sentences, the principle purpose or function of the job. Respond by describing What the job is, What its major objective is, and Why does it exist.
This position will oversee the Office of African American Affairs, with a focus on fostering awareness and support for the issues facing the African American community in the county. Including, identifying through analysis or other means, areas of specific need. Conducting grant research and application, program development and implementation, success measurement, and all aspects of communication and community outreach.

E. ESSENTIAL DUTIES/RESPONSIBILITIES:

Item 3.0

JOB RESPONSIBILITY LIST: Please describe the major elements of the job. List only the major functions, separately, in order of importance. Provide a one or two line descriptive statement for each duty so that someone not familiar with this kind of work can understand it. Weight the approximate percentage of allocated work time for each functional work activity (Round to the nearest 5%). We do not need to know HOW the function is to be performed, but rather, WHAT it is to be performed. **Percentages should add up to 100%**

1.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty: Administrative Oversight	% of Time:
	<i>Descriptive:</i> Oversee all OAAA activities including hiring, training, and day to day management all office staff		
2.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty: Strategic Direction	% of Time:
	<i>Descriptive:</i> Determine strategic direction of the office and assure all initiatives and projects are in line with this strategy, including success measurement against the predetermined strategy		
3.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty: Community Development and Engagement	% of Time:
	<i>Descriptive:</i> Oversee the application and receipt of grants, and endowments from public or private sources that are made for the use or benefit of the programs being implemented or overseen by the office		
4.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty: Community Development and Engagement	% of Time:
	<i>Descriptive:</i> Function as a liason and representative for the African American community advising county leadership and department heads regarding policy development and im-plementation.		
5.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty: Community Development and Engagement	% of Time:
	<i>Descriptive:</i> Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for African-Americans.		
6.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty: Program Development and Implementation	% of Time:
	<i>Descriptive:</i> Oversee the development and production of prgrams and community events that will encourage positive civic engagement among targeted populations		
7.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty: Strategic Oversight	% of Time:
	<i>Descriptive:</i> Oversee the development and implementation of strategic projects targeted at developing awareness around and addressing the needs of the African American community		
8.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty: Performance Monitoring	% of Time:
	<i>Descriptive:</i> Oversee the development and monitoring of success measures and critical metrics surrounding the needs and development of the African American Community		
9.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty: Program Development and Implmentation	% of Time:
	<i>Descriptive:</i> Oversee department staff charged with developing a digital presence and community education around the office of African American Affairs		
10.	<input type="checkbox"/> Original <input type="checkbox"/> New	Job Duty:	% of Time:
	<i>Descriptive:</i>		

F. EQUIPMENT, TOOLS & MATERIALS

Item 3.0

Please list all equipment, tools or materials required to perform the job along with the frequency.	Frequency			Type of Equipment
	Daily	Weekly	Monthly	
1. Machinery: (i.e. Vehicles, Motorized Equipment, Heavy Machinery, etc)				
2. Hand Tools/Instruments: (i.e. Power Tools, PC's, office or laboratory equipment, weapons, etc.)				
3. Driving required?	<input type="checkbox"/> Yes <input type="checkbox"/> No			

G. JOB COMPETENCIES

Internal/External Contacts: Please select all that apply.	
<input checked="" type="checkbox"/>	Exchange of basic information with internal and/or external contacts.
<input checked="" type="checkbox"/>	Maintain sensitive or confidential information.
<input checked="" type="checkbox"/>	Explain and gather information, answer queries, or provide assistance to internal and/or external contacts.
<input checked="" type="checkbox"/>	Persuade, conform or recommend course of action with internal and/or external contacts.
<input checked="" type="checkbox"/>	Perform with a high degree of authority in securing understanding and cooperation with internal and/or external contacts.
<input checked="" type="checkbox"/>	Maintain a continuing working relationship that can have a significant effect on the success of the organization.

Communication Skills: Select the level of language (ability to read, write and speak needed to successfully accomplish the essential duties of the job.) Please select all that apply.	
<input checked="" type="checkbox"/>	Read, write and comprehend simple instructions, reports, short correspondence and memos.
<input checked="" type="checkbox"/>	Speak effectively before both internal and/or external groups.
<input checked="" type="checkbox"/>	Read, analyze, and interpret safety rules, operating/maintenance instructions and procedure manuals, scientific/technical journals and procedures, government regulations, financial and legal documents.
<input type="checkbox"/>	Prepare and/or present written communications that pertain to controversial and complex topics.

Decision-Making: Please select <u>only one</u> of the following:	
<input type="checkbox"/>	Makes minimal decision-making responsibility.
<input type="checkbox"/>	Makes decisions of responsibility involving evaluation of information; decisions may require development or application of alternatives or precedents.
<input type="checkbox"/>	Makes decisions of responsibility and final results that affect more than one department or a department with multiple units; substantial analysis is required and many factors must be weighed before a decision can be reached.
<input checked="" type="checkbox"/>	Makes decisions of responsibility and final recommendations, which may result in the formulation of strategic plans of action to achieve the broad objectives for the organization; involves long-range future planning including scope, direction and goals.

Complexity, Judgment and Problem Solving: Please select all that apply.	
<input checked="" type="checkbox"/>	Understand and follow instructions.
<input type="checkbox"/>	Execute decisions within limits of standard policy and procedures.
<input type="checkbox"/>	Interpret and adapt to established practices and procedures using independent judgment to meet situations to which applications are not clearly defined.
<input checked="" type="checkbox"/>	Perform within difficult or complex working conditions or situations not easily evaluated; decisions require considerable judgment, initiative and ingenuity in areas there is little precedent.
<input checked="" type="checkbox"/>	Act independently in the formulation and administration of policies and programs for major departments or functions.

Please list all Technology, Systems and Software Knowledge required to perform the job:			
Basic	Intermediate	Advanced	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Knowledge of all related computer and software applications, such as word processing and spreadsheets.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other:

Supervisory/Managerial: If applicable, select the appropriate level of responsibility. Item 3.0	
<input type="checkbox"/>	Level 1 This position has no supervisory/managerial responsibilities.
<input type="checkbox"/>	Level 2 General instructing, scheduling and reviewing the work of others as a "lead worker"; functional supervisor only.
<input type="checkbox"/>	Level 3 Scheduling, supervision and evaluation of work; recommends personnel actions (hiring, termination and/or pay changes). Are there subordinate supervisors/managers reporting to this job? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how many?
<input type="checkbox"/>	Level 4 Scheduling, supervision and evaluation of work; recommends personnel actions (hiring, termination and/or pay changes); administers through subordinate management, departmental programs or operations. Are there subordinate supervisors/managers reporting to this job? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how many?
List the names of the Department(s)/Division(s) supervised/managed by this job:	
•	

Fiscal Responsibility:	
Responsible for annual operating budget for department(s)/division(s)?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide total amount?

H. WORKING CONDITIONS

What are the physical, mental and environment demands for this job? Functions identified must coincide with the descriptive statement of essential duties and responsibilities for this job. The functions should focus on what is to be done and the processes traditionally used to achieve end results. For each of the following functional requirements, indicate the frequency in which it occurs in this job.

<u>PHYSICAL DEMANDS</u>	N/A	Seldom (<25%)	Occasional (25% - 50%)	Frequent (50% - 75%)	Always (>75%)
Standing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Walking/Running	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reaching	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climbing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Driving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bending/Kneeling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Talking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Visual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fine Dexterity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Manual Dexterity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Upper Extremity Repetitive Motion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Lifting/Carrying (lbs.)	<input type="checkbox"/> up to 05	<input type="checkbox"/> up to 10	<input type="checkbox"/> up to 15	<input type="checkbox"/> up to 20	<input type="checkbox"/> up to 25	<input type="checkbox"/> up to 30	<input type="checkbox"/> up to
Pushing/Pulling (lbs.)	<input type="checkbox"/> up to 05	<input type="checkbox"/> up to 10	<input type="checkbox"/> up to 15	<input type="checkbox"/> up to 20	<input type="checkbox"/> up to 25	<input type="checkbox"/> up to 30	<input type="checkbox"/> up to

NON-PHYSICAL DEMANDS	N/A	Seldom (<25%)	Occasional (25% - 50%)	Frequent (50% - 75%)	Item 3.0 Always (>75%)
Analysis/Reasoning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication/Interpretation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Math/Mental Computation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustained Mental Activity (i.e. auditing, problem solving, grant writing, composing reports)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL DEMANDS	N/A	Seldom (<25%)	Occasional (25% - 50%)	Frequent (50% - 75%)	Always (>75%)
Work Independently	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Task Changes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tedious/Exacting Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High Volume Public Contact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temperature Extremes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Loud Noises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Physical Danger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toxic Substances (i.e. solvents, pesticides, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WORK SCHEDULE: Please select all that apply.

- Routine shifts hours. Infrequent overtime, weekend, or shift rotation.
- Considerable irregularity of hours due to frequent overtime, weekend or shift rotation.
- Regular and/or frequent on-call availability; nature of work frequently requires irregular, unpredictable or particularly long hours.

DEMANDS/DEADLINES: Please select all that apply.

- Little or no stress created by work, employees or public.
- Intermittent or cyclical work pressures with occasional exposure to high stress work environments.
- High volume and variable work demands and deadlines that impose strain on a routine basis; frequent direct contact with individuals or exposure to highly stressful situation, demands or pressures.

I. EDUCATION, EXPERIENCE AND LICENSE

EDUCATION

Please indicate the MINIMUM educational level required:

- | | |
|--|-------------------------------|
| <input type="checkbox"/> HS Diploma/GED | |
| <input type="checkbox"/> Associate's Degree | Area of specialization/major: |
| <input checked="" type="checkbox"/> Bachelor's Degree | Area of specialization/major: |
| <input type="checkbox"/> Graduate Degree | Area of specialization/major: |
| <input type="checkbox"/> Post Graduate Degree (PhD) | Area of specialization/major: |
| <input type="checkbox"/> Professional Degree (Law, Medicine, etc.) | Area of specialization/major: |
| <input type="checkbox"/> Other: | Please indicate: |

WORK EXPERIENCE

Please indicate the MINIMUM number of years of practical experience required.

- | | |
|--|------------------------|
| <input type="checkbox"/> No experience | |
| <input type="checkbox"/> Less than one year | Area(s) of experience: |
| <input type="checkbox"/> One to three years | Area(s) of experience: |
| <input type="checkbox"/> Three to five years | Area(s) of experience: |
| <input checked="" type="checkbox"/> Five or more years | Area(s) of experience: |

MILWAUKEE COUNTY CIVIL SERVICE COMMISSION
DISCIPLINARY HEARING PROCEDURES

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STATUTORY REFERENCE

The Civil Service Commission Hearing Procedures are established pursuant to Wisconsin State Statutes Chapter 63.10 and 63.12 and the Civil Service Rules of Milwaukee County.

The Civil Service Commission ('Commission') delegates its hearing authority to one or more Hearing Examiners to conduct hearings as agents of the Commission. The Commission may authorize parties to be represented by counsel during the hearings

Section 1. Filing of Charges

All written charges for discharge or demotion and notices of suspension must be filed with the Civil Service Commission administrative offices within three business days¹ after discipline has been taken that is within the jurisdiction of the Commission. All written charges or notices of suspension shall be filed at the Civil Service Commission administrative offices during regular business hours.

For written charges of discharge, the superior officer or Director of Human Resources may suspend a person in the classified service pending review of the charges, provided that the complaint indicates that such a suspension has been imposed. Such suspension will be continued, honored, and granted until the matter is decided by the Commission.

If written charges are not timely and properly filed, the Commission may dismiss the charges and reinstate the employee with back pay.

Section 2. Scheduling of Hearings

A. Hearing Within 21 Days Unless Continued/Adjourned

Upon receipt by the Commission of a complaint, the Commission shall set a time and place for a hearing. The hearing shall be held within 21 days of the receipt of the complaint or request, unless the hearing is:

- 1) Laid over by stipulation of all parties.
- 2) Laid over in the interest of fairness upon the Commission's own motion.
- 3) Laid over upon motion of the charged party.

B. Continuations/Adjournments Made by the Commission

The Commission or the Hearing Examiner may make a determination to continue/adjourn the matter.

C. Notice to Parties of Hearing and Adjournments

Notice of hearing date and any adjournments thereof shall be given to the person filing the charges and the employee. If a legal representative or union representative appears on behalf of a party, notices shall be given to the representative who shall have the responsibility to convey notice to the party.

¹ A "business day," as used in these rules, is defined as a day that the Civil Service Commission staff office is open for business. If any deadline falls on a non-business day, the deadline rolls to the next business day. When calculating time periods stated in days under these rules, exclude the day of the event that triggers the period.

Failure of the party's representative to convey notice to the party shall not constitute grounds for delay of any action by the Commission or Hearing Examiner.

Adjournments of any hearing may be granted upon written request that is received by the Commission at least two business days before the scheduled hearing date. Such written request must specify the reasons therefor and shall contain a date when the person making such request will be ready to proceed. If timely received, the Secretary to the Commission can approve such requests. If the Commission approves such request, it shall set another date for the hearing. If it does not agree to the adjournment, the hearing shall proceed as scheduled. Any request for adjournment not made in compliance with this section will be considered by the Commission or the Hearing Examiner on a case-by-case basis at the time such request is made.

D. Notice to Witnesses

Each party is responsible for advising the party's own witnesses of any continuance or adjournment.

Section 3. Amendments to Charges

Amended charges must be submitted to the Commission in writing and the opposing party may object to their submission. If the objection is sustained by the Commission, the Party requesting to amend the charges may file them as new charges. Charges may be amended to cure technical defects or to clarify or amplify allegations in the charges or to set forth additional facts or allegations related to the subject matter of the original charges. Amended charges, with the exception of technical defects, must be submitted at least 14 days prior to the scheduled hearing.

Section 4. Hearing Proceeding Before a Hearing Examiner

The Hearing Examiner shall conduct the hearings pursuant to the Hearing Procedures herein.

Section 5. Admissibility of Evidence

The Hearing Examiner, as an agent of the Commission, is not bound by the rules of evidence as contained within the Wisconsin Statutes. Irrelevant, immaterial, or unduly repetitious evidence will be excluded. Hearsay evidence will be admissible and given whatever weight or credence the Commission members wish such evidence to have. Summaries of records shall not be admissible as evidence unless the records from which the summaries are compiled are made available for examination by opposing parties, the Hearing Examiner, and the Commission members. A hearing will not necessarily be delayed for purposes of allowing opposing parties to view the records upon which the summaries are compiled. If these records are not reviewed until after the hearing and discrepancies are found, a party may petition for a rehearing pursuant to Section 16.

Section 6. Examination of Witness

A witness shall be examined first by the party who calls the witness. Each party may subpoena witnesses to attend the hearing. Witnesses may be allowed to testify either by answer to questions, or in the absence of counsel, in the narrative form. Cross-examination of a witness is not limited to those matters to which a witness testified to on direct examination. Direct and cross-examination shall not be interspersed with argument or commentary by the questioner.

Witnesses may be sequestered at the request of either party, or upon direction of the Commission or the Hearing Examiner. The Commission or Hearing Examiner may adjourn the hearing to take additional evidence.

Section 7. Exhibits

All exhibits shall be marked and made available to the opposing party and the Hearing Examiner before being shown to any witness. It is recommended that copies of all exhibits be given to the Hearing Examiner and opposing parties before the witness to whom the exhibits relate is called to testify. Original exhibits entered into the record are to be given to the Secretary to the Civil Service Commission who shall be the custodian of the file. In the event such exhibits are withdrawn, copies of such exhibits shall be submitted to the Secretary to the Civil Service Commission and be maintained in the file.

Section 8. Order of Testimony

In all cases, excepting a petition for rehearing, the charging party shall proceed first with their evidence. The person charged in the complaint shall then have an opportunity to present evidence in defense of any charges. Further evidence, in the nature of rebuttal, shall be allowed by the Hearing Examiner upon motion of the party requesting the opportunity to present such evidence. In the case of a petition for rehearing, the party who filed the petition shall proceed first followed by the opposing party thereafter. Any further evidence in the nature of rebuttal shall be granted at the discretion of the Hearing Examiner.

Section 9. Legal Briefs

The Commission or the Hearing Examiner may request or allow parties to submit legal briefs or memoranda in support of their respective positions. When such briefs or memoranda are requested, seven copies shall be submitted to the Secretary of the Commission and one copy to each opposing party. At the time legal briefs or memoranda are requested, the Commission or the Hearing Examiner may set a schedule for filing of same.

Section 10. Burden of Proof

The party who brings charges or petitions for a rehearing shall have the burden of proving their allegations by the preponderance of evidence on all complaints or petitions.

Section 11. Motions

Any party may move at any time to dismiss the case on the grounds that the Civil Service Commission does not have jurisdiction of the person or subject matter of the charges. The Commission may raise issues relating to its jurisdiction to hear a matter on its own motion. Each party shall be afforded an opportunity to make written and/or oral arguments regarding the motion. The Hearing Examiner may continue to hear a case on the merits and present motions to dismiss and/or arguments about jurisdiction to the Commission thereafter.

Unless made during a hearing, an application to the Commission or the Hearing Examiner for an order shall be by written motion that states with particularity the grounds therefor, and the relief or order sought. If the motion is made during the hearing, an oral motion can be made to the Commission or the Hearing Examiner.

Section 12. Withdrawal of Charges

A. When Charges May be Withdrawn

Subject to approval of the Commission or the Hearing Examiner, the charging authority or his/her representative may withdraw a case at any time prior to a matter proceeding to hearing.

B. Reinstatement of Employee upon Withdrawal of Charges

If an employee was suspended without pay prior to the withdrawal, said employee shall be reinstated as of the date of suspension.

Section 13. Dismissal of Charges

Any dismissal order issued by the Commission or the Hearing Examiner shall be on the merits unless otherwise expressly stated. The Commission may request the filing of a copy of any settlement prior to dismissing a case.

Section 14. Final Determination

The Hearing Examiner shall present proposed findings and recommendations to the Commission at a noticed meeting of the Commission. The Commission shall make a final determination and may adopt or modify, in whole or in part, or reject the proposed findings and recommendations of the Hearing Examiner. As provided in State law, the Commission may convene in closed session to review the record and the report of the Hearing Examiner. The Commission will reconvene in open session to make a final determination.

Section 15. Reevaluation Period

In addition to those sanctions authorized by Wisconsin Statutes Section 63.10(2), the Commission, at its option, may provide for an employee reevaluation period imposed upon the party(ies) if the Commission determines that charges filed against the employee were well-founded and the facts and circumstances of the case dictate the remedy's use.

The length of the employee reevaluation period and the employee conduct to be rectified during that period will be decided, identified, set forth, and disclosed to the parties by order of the Commission upon approval or imposition of the employee reevaluation period. A decision detailing the conduct for which an employee may be separated without recourse to the Commission will be made in each case where the Commission approves or imposes a reevaluation period in accordance with this rule. The employee reevaluation period shall provide the employee an opportunity to rectify the conduct delineated by the Commission so as to conform to the standards required by county management for such conduct, and the employee shall be on notice from the time of approval or imposition of the employee reevaluation period that failure to rectify said conduct to the satisfaction of county management may result in the employee's being separated from county employment by the appointing authority at any time during the employee reevaluation period. Such separation during the employee reevaluation period shall be without further review by the Commission. In the event the appointing authority does separate the employee prior to completion of the employee reevaluation period, it shall submit to the Commission a written statement giving the date and reasons for such separation.

The employee reevaluation period shall not affect the employee's status as it relates to working conditions, employee benefits, or those protections afforded under the Wisconsin Statutes Section 63.10 that are unrelated to the conduct for which the PRB has approved or imposed the employee reevaluation period.

The above Reevaluation Period differs from a Last Chance Agreement, which is negotiated between the parties who then request that the Commission accept the provisions presented either orally or in writing to the Commission.

Section 16. Rehearings

Petitions for rehearing of persons discharged must be filed with the commission within two (2) weeks after the original final order been entered. Such petition shall be granted only where it is shown that evidence can be presented which the petitioner could not by the exercise of diligence have discovered and submitted at the original hearing or investigation, which evidence would have been sufficient if there presented to have changed the findings of the investigating officer or board. The petition shall state the grounds upon which it is based, verified by affidavit.

Summary of Changes to the Civil Service Commission Disciplinary Hearing Rules

- Changed order of rules to follow hearing proceedings chronologically (Throughout).
- Various changes made to clean up and clarify the language (Throughout).
- Added references to the hearing examiner and the hearing examiner's role (Throughout).
- Removed language that did not reflect actual procedures (Throughout).

- Removed the text of Civil Service Rule VII
- Clarified statutory authority for the Commission to make procedural rules (Introduction).
- Express delegation of authority to a hearing examiner (Introduction).
- Added procedures for the appointing authority to file charges and notices of suspension with the Commission (Section 1).
- Clarified that the Secretary of the Commission is the custodian of the records of hearings (Section 7).
- Removed references to grievances (Section 8).
- Added procedures for how the hearing examiner will consider motions related to the Commission's jurisdiction (Section 11)
- Added procedure for how the hearing examiner presents findings to the Commission and how the Commission makes its determination (Section 14).
- Added procedure for the Commission to impose a reevaluation period on an employee.
- Added time limit for petitioning for rehearing (Section 15).

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Commented [JR1]: Formerly Section 10

Commented [JR2]: Formerly Section 11



MILWAUKEE COUNTY CIVIL SERVICE COMMISSION

DISCIPLINARY HEARING PROCEDURES

(Pursuant to WI. Stat. 63.01 to 63.12)

Approved by the Civil Service Commission on July 10, 2014; amended ~~effective~~ April 20, 2015; amended Month Day, Year

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STATUTORY REFERENCE

EFFECTIVE FEBRUARY 5, 1998

~~The county board ordinances and rules of the civil service commission as hereinafter set forth apply to all employees in the classified service of Milwaukee County except insofar as such ordinances and/or civil service rules have been specifically modified or made nonapplicable to members of certain bargaining units whose contracts with Milwaukee County provide for exception from or differences in the application of such ordinances and/or rules.~~

~~CIVIL SERVICE RULES FOR THE MILWAUKEE COUNTY GOVERNMENT~~

~~Under and pursuant to the provisions of chapter 259, Laws of Wisconsin 1917, creating sections 772.1—772.17, inclusive, of Wisconsin Statutes (since renumbered to be ss. 63.01—63.16, Wis. Stats., inclusive) as subsequently amended, to the Milwaukee County civil service commission, in regular meeting held on October 21, 1917, approved and adopted a classification of offices, positions, and employments in the classified service of Milwaukee County (excluding offices and positions exempted by section 772.4, now s. 63.03, Wis. Stats.), which classification, together with a salary standardization plan and regulations governing the compensation of such offices, positions, and employments were subsequently recommended to, considered and adopted by the board of supervisors of Milwaukee County by passage on November 13, 1917, of an ordinance relating to the classification and salaries thereunder, effective January 1, 1918, which ordinance has subsequently been amended and is now known as the Classification and Salary Standardization Ordinance of Milwaukee County. Pursuant to the aforesaid statutes, the following rules were spread upon the minutes of the Milwaukee County civil service commission and adopted December 5, 1917; published according to law December 20, 1917; and became effective January 1, 1918; as since amended~~

RULE VII. SEPARATIONS; SUSPENSIONS

~~Section 1. Demotion and dismissal; suspensions; procedures.~~

~~Section 2. Who shall or may file charges.~~

~~Section 3. Filing; notice; hearing.~~

~~Section 4. Causes for discharge, suspension or demotion and/or reevaluation.~~

~~Section 5. Rehearing.~~

~~Section 6. Merit system violations.~~

Section 1. Demotion and dismissal; suspensions; procedures.

~~Whenever a person possessing appointing power in the county, as to employes under their respective jurisdictions, believes that an employe in the classified service in his department has acted in such a manner as to show him to be incompetent to perform his duties or have merited demotion or discharge, he shall report in writing to the civil service commission, setting forth specifically his complaint, and may suspend the officer or employe without pay at the time such complaint is filed. Nothing in this section shall limit the power of the department head to suspend a subordinate for a reasonable period not exceeding ten (10) days. In case an employe is again suspended within six (6) months for any period whatever, the employe so suspended shall have the right of hearing by the commission on the second suspension or any subsequent suspension within said period the same as herein provided for in demotion or dismissal proceedings. All suspensions shall be filed and reported to the Commission in writing within three business days. The commission may, in its discretion, investigate any such suspension and in the case of its disapproval the suspended employe shall be immediately reinstated, and any part or all of the pay which he may have lost may be restored to him by order of the commission.~~

Section 2. Who shall or may file charges.

- ~~(1) It shall be the duty of the superior officer to file charges against any officer or employe subordinate to him and in the classified service if there be cause for demotion or discharge of such officer or employe.~~
- ~~(2) It is the duty of the director of human resources to file charges against any officer or employe in the classified service upon receipt of evidence showing cause for demotion or discharge of such officer or employe in cases where a department head or appointing authority neglects or refuses to file such charges.~~
- ~~(3) Charges may be filed by any citizen against an officer or employe in the classified service where in the judgment of the commission, the facts alleged under oath by such citizen and supported by affidavit of one (1) or more witnesses would if charged and established amount to cause for the discharge of such officer or employe.~~
- ~~(4) The commission shall forthwith notify the accused officer or employe of the filing of such charges and on request provide him with a copy of the same.~~
- ~~(5) An officer or employe against whom formal charges for discharge or demotion have been filed may be suspended from duty without pay pending a hearing on such charges before the commission and the commission's decision thereon.~~

Section 3. Filing; notice; hearing.

- ~~(1) In cases involving the filing of charges for discharge or demotion, the commission shall appoint a time and place for the hearing of said charges, the time to be within three (3) weeks after the filing of the same, unless further time be granted by the commission for cause shown, either upon the application of the complainant, the employe or his attorney before the~~

- expiration of said three (3) weeks. Notice shall be given the complainant and the employe or his attorney of the time and place of said hearing. In cases where an employe is suspended a second time within six (6) months for any period whatever, the employe so suspended shall have the right of a hearing by the commission on the second suspension or any subsequent suspensions within the said period, the same as herein above provided for in demotion or dismissal proceedings.
- ~~(2) The complaint shall state specifically the facts alleged to constitute cause for suspension, demotion or discharge, and shall refer to the paragraph(s) in section 4 of this rule under which said charges are brought.~~
- ~~(3) Neither the complainant nor the accused shall have the right to be represented by counsel at said hearing, but the commission may, in its discretion, permit the accused to be so represented and may request the presence of a member of the corporation counsel's staff for the examination and cross examination of witnesses and to advise the commission on legal questions arising at the trial.~~
- ~~(4) At the termination of the hearing, the commission shall determine whether or not the charge is well founded and shall take such action by way of suspension, demotion, discharge or reinstatement as it may deem requisite and proper under the circumstances and as its rules may provide. Such decision shall be final and shall be certified to the appointing authority and be forthwith enforced by him.~~

Section 4. Causes for discharge, suspension or demotion and/or reevaluation.

- ~~(1) The following are declared to be cause for discharge, suspension or demotion and/or the approval of or the imposition of an employe reevaluation period as provided in rule VI, section 8, of the rules of the Milwaukee County personnel review board, of any officer or employe from the classified service of the County of Milwaukee, though charges may be based upon causes and complaints other than those here enumerated, namely:~~
- ~~(a) — Theft of private or county property.~~
 - ~~(b) — Unauthorized use, misuse, destruction of or damage to any property including vehicles, said damage occurring because of neglect while on county business.~~
 - ~~(c) — Unauthorized use of county premises.~~
 - ~~(d) — Violation of rules or practices relating to security of county property or county premises.~~
 - ~~(e) — Unauthorized use, duplication or possession of county keys, or electronically controlled access cards.~~
 - ~~(f) — Distributing or posting handbills, pamphlets or other written or printed material in any work area without authorization.~~
 - ~~(g) — Posting, removing or tampering with county bulletin board material without authorization.~~
 - ~~(h) — Failure to observe parking or traffic regulations as established by ordinance, statutes or departmental rules while on county business.~~

- ~~(i) — Violation of rules or practices relating to safety.~~
- ~~(j) — Littering, creating or contributing to unsanitary or unsafe conditions on county premises.~~
- ~~(k) — Refusing or failing to obey orders of supervisor whether written or oral.~~
- ~~(l) — Refusing or failing to comply with departmental work rules, policies or procedures.~~
- ~~(m) — Threatening, intimidating, coercing or harassing employes or supervision at any time.~~
- ~~(n) — Making false or malicious statements, either oral or written, concerning any employe, the county or its policies.~~
- ~~(o) — Unexcused, unauthorized, or excessive absence.~~
- ~~(p) — Unexcused, unauthorized, or excessive tardiness.~~
- ~~(q) — Leaving early and/or failure to be at assigned work area at the start or end of shifts, breaks and/or meal periods.~~
- ~~(r) — Leaving place of work during working hours without authorization, wasting time or loitering.~~
- ~~(s) — Stopping work before designated quitting time.~~
- ~~(t) — Failure or inability to perform the duties of assigned position.~~
- ~~(u) — Substandard or careless job performance.~~
- ~~(v) — Restricting output or engaging in any intentional slowdown, work stoppage or strike.~~
- ~~(w) — Engaging in any unauthorized activity which distracts or disrupts employes in the performance of their duties.~~
- ~~(x) — Interference with normal work flow or departmental procedures.~~
- ~~(y) — Falsification, modification or unauthorized alteration of any county record or report.~~
- ~~(z) — Knowingly punching or marking another employe's time card, having one's time card punched or marked by another, altering time card for any unauthorized reason or inaccurately recording time worked.~~
- ~~(aa) — Unauthorized obtaining or disclosure of confidential or privileged information.~~
- ~~(bb) — Commission of a criminal act which meets the nondiscriminatory practices in conformance with state statutes.~~
- ~~(cc) — Reporting to work or working while under the influence of intoxicating beverages and/or narcotics or other drugs or having unauthorized possession of same on county premises during working hours.~~
- ~~(dd) — Indecent, criminal or inappropriate conduct on county premises or during working hours.~~
- ~~(ee) — Abusive or improper treatment toward an inmate or patient of any county facility or to a person in custody; provided the act committed was not necessarily or lawfully done in self-defense or to protect the lives of others or to prevent the escape of a person lawfully in custody.~~

- ~~(ff) Offensive conduct or language toward the public or toward county officers or employees.~~
 - ~~(gg) Sleeping, dozing or lack of attentiveness during working hours.~~
 - ~~(hh) Possession of unauthorized weapons on county premises or during working hours.~~
 - ~~(ii) Provoking or instigating a fight or fighting during working hours or on county premises.~~
 - ~~(jj) Engaging in horseplay or scuffling on county premises during working hours.~~
 - ~~(kk) Engaging in personal activities during working hours.~~
 - ~~(ll) Gambling on county premises or during working hours.~~
 - ~~(mm) Vending, soliciting or collecting contributions for any purpose without authorization on county premises.~~
 - ~~(nn) Inducing or attempting to induce any officer or employe in the county service to commit an illegal act or to act in violation of any departmental or official regulation or order, or the rules of the commission.~~
 - ~~(oo) Soliciting or receiving from any person or participating in any fee, gift or other thing of value in the course of one's work, when such fee, gift or other thing of value is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.~~
 - ~~(pp) Threatening or attempting to use or using political influence, or giving or being in any way involved in giving any money or any other thing of value in return for appointment, promotion, transfer, leave of absence or change in appropriation or pay.~~
 - ~~(qq) Engaging in pernicious political activity by making use of one's position to further the candidacy of any person or engaging in political work during regular working hours. Nothing in this section shall be construed to interfere with the right of any employe in the classified service to become a member of a political club, to attend political meetings, to express his/her opinion on all political subjects, and to enjoy freedom from all interference in casting his/her vote.~~
 - ~~(rr) Removal of permanent residence to some place outside of Milwaukee County, except as specifically authorized by the commission or failure to establish permanent residence in Milwaukee County within the time limited by the commission.~~
 - ~~(ss) Willful violation of any of the provisions of the county Civil Service Act or of the rules of the commission or ordinances of Milwaukee County.~~
 - ~~(tt) Knowingly discriminating against anyone for employment or delivery of services, because of such individual's age, race, color, handicap, sex, creed, national origin or ancestry.~~
- ~~(2) When used in this section, these words or terms shall have the following meaning and import:~~
- ~~(a) *Property*: Anything of value.~~

- (b) ~~County property: Any property owned or leased by or in the custody or control of the county.~~
- (c) ~~County premises: Any building or structure or part thereof or any lands owned, leased or in the custody or control of the county or devoted to use by the county.~~
- (d) ~~County: Milwaukee County, a municipal body corporate, and all of its agencies, boards, commissions, institutions, departments and divisions.~~
- (3) ~~A copy of this section, with any amendments thereto, shall be submitted to the head of every department to be posted by him in such manner as to bring it to the attention of all employees of such department.~~

Section 5 Rehearing

~~Petitions for rehearing of persons discharged or demoted must be filed with the commission within two (2) weeks after the order of discharge has been entered. Such petition shall be granted only where it is shown and established~~The Civil Service Commission Hearing Procedures are established pursuant to Wisconsin State Statutes Chapter 63.10 and 63.12 and the Civil Service Rules of Milwaukee County.

The Civil Service Commission ('Commission') delegates its hearing authority to one or more Hearing Examiners to conduct hearings as agents of the Commission. The Commission may authorize parties to be represented by counsel during the hearings

Section 1. Filing of Charges

All written charges for discharge or demotion and notices of suspension must be filed with the Civil Service Commission administrative offices within three business days¹ after discipline has been taken that is within the jurisdiction of the Commission. All written charges or notices of suspension shall be filed at the Civil Service Commission administrative offices during regular business hours.

For written charges of discharge, the superior officer or Director of Human Resources may suspend a person in the classified service pending review of the charges, provided that the complaint indicates that such a suspension has been imposed. Such suspension will be continued, honored, and granted until the matter is decided by the Commission.

If written charges are not timely and properly filed, the Commission may dismiss the charges and reinstate the employee with back pay.

Section 2. Scheduling of Hearings

A. Hearing Within 21 Days Unless Continued/Adjourned

¹ A "business day," as used in these rules, is defined as a day that the Civil Service Commission staff office is open for business. If any deadline falls on a non-business day, the deadline rolls to the next business day. When calculating time periods stated in days under these rules, exclude the day of the event that triggers the period.

Upon receipt by the Commission of a complaint, the Commission shall set a time and place for a hearing. The hearing shall be held within 21 days of the receipt of the complaint or request, unless the hearing is:

- 1) Laid over by stipulation of all parties.
- 2) Laid over in the interest of fairness upon the Commission's own motion.
- 3) Laid over upon motion of the charged party. [Section 6](#)

B. Continuations/Adjournments Made by the Commission

The Commission or the Hearing Examiner may make a determination to continue/adjourn the matter.

C. Notice to Parties of Hearing and Adjournments

Notice of hearing date and any adjournments thereof shall be given to the person filing the charges and the employee. If a legal representative or union representative appears on behalf of a party, notices shall be given to the representative who shall have the responsibility to convey notice to the party. Failure of the party's representative to convey notice to the party shall not constitute grounds for delay of any action by the Commission or Hearing Examiner.

[Adjournments](#) of any hearing ~~will~~[may](#) be granted upon written request ~~which~~[that](#) is received by the Commission at least two business days before the scheduled hearing date. Such written request must specify the reasons therefor and shall contain a date when the person making such request will be ready to proceed. [If timely received, the Secretary to the Commission can approve such requests.](#) If the Commission approves such request, it shall set another date for the hearing. If it does not agree to the adjournment, the hearing shall proceed as scheduled. Any request for adjournment not made in compliance with this section will be considered by the Commission [or the Hearing Examiner](#) on a case-by-case basis at the time such request is made.

D. Notice to Witnesses

Each party is responsible for advising the party's own witnesses of any continuance or adjournment.

Section 3. Amendments to Charges

Amended charges must be submitted to the Commission in writing and the opposing party ~~should be given an opportunity to~~[may](#) object to their submission. If the objection is sustained by the Commission, the Party requesting to amend the charges may file them as new charges. Charges may be amended to cure technical defects or to clarify or amplify allegations in the charges or to set forth additional facts or allegations related to the subject matter of the original charges. Amended charges, with the exception of technical defects, must be submitted at least 14 days prior to the scheduled hearing.

CONDUCT OF HEARINGS

Section 14. Hearing Proceeding Before a Hearing Examiner

(a) ~~The Hearing Examiner is authorized to shall~~ conduct ~~trials without~~ the ~~Commission being present.~~

~~The Commission will convene in closed session hearings pursuant to review the record and to protect the interest of employees. The Commission shall make a final determination and may adopt or modify, in whole or in part, or reject the proposed findings and recommendations of the Hearing Examiner. Procedures herein.~~

(b) ~~The Commission may authorize parties to be represented by counsel.~~

Section 2-5. Admissibility of Evidence

The Hearing Examiner, as an agent of the Commission, is not bound by the rules of evidence as contained within the Wisconsin Statutes. Irrelevant, immaterial, or unduly repetitious evidence will be excluded. Hearsay evidence will be admissible and given whatever weight or credence the Commission members wish such evidence to have. Summaries of records shall not be admissible as evidence unless the records from which the summaries are compiled are made available for examination by opposing parties, the Hearing Examiner, and the Commission members. A hearing will not necessarily be delayed for purposes of allowing opposing parties to view the records upon which the summaries are compiled. ~~If, subsequent to such review, these records are not reviewed until after the hearing and~~ discrepancies are found, ~~opposing parties~~ a party may petition for a rehearing pursuant to Section 16.

Section 36. Examination of Witness

A witness shall be examined first by the party who calls the witness. Each party may subpoena witnesses to attend the hearing. Witnesses may be allowed to testify either by answer to questions, or in the absence of counsel, in the narrative form. Cross-examination of a witness is not limited to those matters to which a witness testified to on direct examination. Direct and cross-examination shall not be interspersed with argument or commentary by the questioner. ~~A party shall not make statements relating to the admission of evidence while examining a witness.~~

Witnesses may be sequestered at the request of either party, or upon direction of the ~~Board~~Commission or the Hearing Examiner. The Commission or Hearing Examiner may adjourn the ~~trial~~hearing to take additional evidence.

Section 4-Section 7. Exhibits

All exhibits shall be marked and made available to the opposing party and the Hearing Examiner before being shown to any witness. It is recommended that copies of all exhibits be given to the Hearing Examiner, ~~Commission Independent Counsel~~ and opposing parties before the witness to whom the exhibits relate is called to testify. ~~Exhibits-Original exhibits~~ entered into the record are to ~~remain in the custody~~be given to the Secretary to the Civil Service Commission who shall be the custodian of the ~~Commission's Independent Counsel or designees unless withdrawn file.~~ In the event such exhibits are withdrawn, copies of such exhibits shall be submitted to the ~~executive secretary to~~Secretary to the Civil Service Commission and be maintained in the file.

Section 5. Section 8. Order of Testimony

In all cases, excepting a petition for rehearing ~~or appeal of a grievance, the superior officer, Director of the Department of Human Resources, or citizen who filed the complaint,~~ the charging party shall proceed first with their evidence. The person charged in the complaint shall then have an opportunity to present evidence in defense of any charges. Further evidence, in the nature of rebuttal, shall be allowed by the ~~Commission~~ Hearing Examiner upon motion of the party requesting the opportunity to present such evidence. In the case of a petition for rehearing ~~or appeal of a grievance,~~ the party who ~~petitioned or appealed for same~~ filed the petition shall proceed first. ~~The~~ followed by the opposing party ~~shall reply~~ thereafter. Any further evidence in the nature of rebuttal shall be granted at the discretion of the Hearing Examiner.

Section 69. Legal Briefs

The Commission, ~~on its own motion,~~ or upon the Hearing Examiner may request or ~~any party, may~~ allow parties to submit legal briefs or memoranda in support of their respective positions. When such briefs or memoranda are requested, seven copies shall be submitted to the Independent Counsel Secretary of the Commission and one copy to each opposing party. At the time legal briefs or memoranda are requested, the Commission or the Hearing Examiner may set a schedule for filing of same.

Section 10. Burden of Proof

The party who brings charges or petitions for a rehearing shall have the burden of proving their allegations by the preponderance of evidence on all complaints or petitions.

Section 11. A. Motions to Dismiss Based on Personal Jurisdiction or Subject Matter

Motions

Any party may move at any time to dismiss the case ~~either~~ on the groundgrounds that the Civil Service Commission does not have jurisdiction of the person or ~~over the~~ subject matter of the charges ~~brought~~. The Commission may raise issues ~~on its own motion~~ relating to its jurisdiction to hear ~~the matter of some matter raised in petition for rehearing or other complaint.~~ a matter on its own motion. Each party shall be afforded an opportunity to make written and/or oral arguments regarding the motion. The Hearing Examiner may continue to hear a case on the merits and present motions to dismiss and/or arguments about jurisdiction to the Commission thereafter.

B. Other Motions

~~An~~ Unless made during a hearing, an application to the Commission or the Hearing Examiner for an order shall be by ~~motion which, unless made during a hearing, shall be made in writing, shall state~~ written motion that states with particularity the grounds therefor, and ~~shall set forth~~ the relief or order sought. ~~An application to~~ if the ~~Commission for an order shall be by a~~ motion is made during a hearing ~~the hearing,~~ an oral motion can be made to the Commission or the Hearing Examiner.

Section 12. Withdrawal of Charges

A. When Charges May be Withdrawn

Subject to approval of the Commission [or the Hearing Examiner](#), the charging authority or his/her representative may withdraw a case at any time prior to a matter proceeding to hearing.

B. Reinstatement of [Employee](#) upon Withdrawal of Charges

If an [employee](#) was suspended without pay prior to the withdrawal, said [employee](#) shall be reinstated as of the date of suspension.

Section 913. Dismissal of Charges

Any dismissal order issued by the Commission [or the Hearing Examiner](#) shall be on the merits unless otherwise expressly stated. The Commission may request the filing of a copy of any settlement prior to dismissing a case.

Section 14. Final Determination

[The Hearing Examiner shall present proposed findings and recommendations to the Commission at a noticed meeting of the Commission. The Commission shall make a final determination and may adopt or modify, in whole or in part, or reject the proposed findings and recommendations of the Hearing Examiner. As provided in State law, the Commission may convene in closed session to review the record and the report of the Hearing Examiner. The Commission will reconvene in open session to make a final determination.](#)

Section 15. Reevaluation Period

[In addition to those sanctions authorized by Wisconsin Statutes Section 63.10\(2\), the Commission, at its option, may provide for an employee reevaluation period imposed upon the party\(ies\) if the Commission determines that charges filed against the employee were well-founded and the facts and circumstances of the case dictate the remedy's use.](#)

[The length of the employee reevaluation period and the employee conduct to be rectified during that period will be decided, identified, set forth, and disclosed to the parties by order of the Commission upon approval or imposition of the employee reevaluation period. A decision detailing the conduct for which an employee may be separated without recourse to the Commission will be made in each case where the Commission approves or imposes a reevaluation period in accordance with this rule. The employee reevaluation period shall provide the employee an opportunity to rectify the conduct delineated by the Commission so as to conform to the standards required by county management for such conduct, and the employee shall be on notice from the time of approval or imposition of the employee reevaluation period that failure to rectify said conduct to the satisfaction of county management may result in the employee's being separated from county employment by the appointing authority at any time during the employee reevaluation period. Such separation during the employee reevaluation period shall be without further review by the Commission. In the event the appointing authority does separate the employee prior to completion of the employee reevaluation period, it shall submit to the Commission a written statement giving the date and reasons for such separation.](#)

[The employee reevaluation period shall not affect the employee's status as it relates to working conditions, employee benefits, or those protections afforded under the Wisconsin Statutes Section 63.10 that are unrelated to the conduct for which the PRB has approved or imposed the employee reevaluation period.](#)

The above Reevaluation Period differs from a Last Chance Agreement, which is negotiated between the parties who then request that the Commission accept the provisions presented either orally or in writing to the Commission.

Section 16. Rehearings

Petitions for rehearing of persons discharged must be filed with the commission within two (2) weeks after the original final order been entered. Such petition shall be granted only where it is shown that evidence can be presented which the petitioner could not by the exercise of diligence have discovered and submitted at the original hearing or investigation, which evidence would have been sufficient if there presented to have changed the findings of the investigating officer or board. The petition shall state the grounds upon which it is based, verified by affidavit.